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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
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ALEXANDRIA, VA 22314

EXAMINER

REDDICK, MARIE L

ART UNIT	PAPER NUMBER
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1796

NOTIFICATION DATE	DELIVERY MODE
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04/06/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/565,772	Applicant(s) MUKHERJEE ET AL.	
	Examiner MARIE REDDICK	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/25/06; 04/12/06 & 01/09/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/12/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 03/25/09 has been considered by the examiner.

Specification

3. The disclosure is objected to because of the following informalities: Examples 3 & 4 are not a part of the Specification. Applicant is cautioned as to introducing any New Matter.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A) The recited "water-soluble polymers of ethylenically unsaturated anionic monomers, obtainable by free-radical polymerization of the monomers in an aqueous medium in the presence of at least one stabilizer" per claim 1 constitutes indefinite subject matter as per a) it not being readily ascertainable as to how many polymers are intended; b) it not being readily ascertainable as to how the polymers can be of ethylenically unsaturated anionic monomers vs. anionic monomer units; c) it not being readily ascertainable as to if or how said

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objectionable terminology “obtainable by” further limits the claims; d) it is not readily ascertainable if the “stabilizer” is the same as or in addition to the “water-soluble polymer” and e) the recited “at least one water-soluble polymer of (a)----and/or---- and at least one water-soluble polymer selected from (b) ----and/or of water-soluble starch from the group consisting of----”, 1) it is not readily ascertainable as to what exact components constitute the water-soluble polymer; 2) it is not readily ascertainable as to if or how said objectionable “and/or” phrase further limits the claims; 3) “selected from” and “from the group” are inconsistent with proper Markush terminology, “selected from the group consisting of” is proper and is suggested, both instances.

B) The recited “polyethylene glycols” per claims 1 & 2 and “copolymers of alkyl polyalkylene glycol methacrylates” per claim 1 constitutes indefinite subject matter as per it not being readily ascertainable as to how many polyethylene glycols and copolymers of alkyl polyalkylene glycol methacrylates are intended.

C) The recited “group (a)” per claim 2 constitutes indefinite subject matter as per the non-express establishment of proper antecedent basis.

D) The recited “hydrolyzed copolymers of vinyl alkyl ethers”, and “alkali metal hydroxides or ammonium bases and/or----water-soluble polymers of group (b) per claim 3 and “hydrolyzed copolymers of vinyl methyl ether” and “water-soluble polymers of group (b) per claim 4 constitutes indefinite subject matter as per 1) it is not readily ascertainable as to how many hydrolyzed copolymers, metal hydroxides and ammonium bases are intended; 2) the recited “group (b) engenders the non-express establishment of proper antecedent basis.

E) The recited “graft polymers”, “polyethylene glycols”, “hydrolyzed copolymers” and “are used as water-soluble polymers” per claim 5 constitutes indefinite subject matter as per 1) it is

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not readily ascertainable as to how many graft polymers, hydrolyzed copolymers and water-soluble polymers are intended; 2) it is not clear if the recited “water-soluble polymers” are in addition to or the same as the antecedently recited “water-soluble polymers”. It is suggested that applicant insert the definite article “the” before “water-soluble” so as to avoid any confusion.

F) The recited “copolymers of alkyl polyalkylene glycol methacrylates” and “are used as water-soluble polymers” per claim 6 constitutes indefinite subject matter as 1) per it not being readily ascertainable as to how many copolymers of alkyl polyalkylene glycol methacrylates and “water-soluble polymers” are intended; 2) it is not clear if the recited “water-soluble polymers” are in addition to or the same as the antecedently recited “water-soluble polymers”. It is suggested that applicant insert the definite article “the” before “water-soluble” so as to avoid any confusion.

G) In claim 7, it is suggested that applicant adopt the following language so as to maintain claim language clarity: “used as the anionic monomers”.

H) The recited “monomers from the group consisting of” per claim 9 constitutes indefinite subject matter as per said phrase engendering an inconsistency with proper Markush terminology, “selected from the group consisting of” is proper and is suggested.

I) The recited “acrylic acid is used in the absence of other monomers” per claim 10 engenders awkwardly written claim language. It is suggested that applicant adopt the following language: “wherein the anionic monomer is acrylic acid and is used in the absence of other monomers”.

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J) The recited “and/or” per claim 12 constitutes indefinite subject matter as per it not readily ascertainable, as to the language as claimed, how many crosslinking agents are permitted during the polymerization process.

K) The recited “aqueous dispersions of water-soluble polymers of ethylenically unsaturated anionic monomers” per claim 13 constitutes indefinite subject matter as per reasons set forth in paragraph A) supra.

L) The recited “graft polymers of vinyl acetate and/or vinyl propionate on polyethylene glycols,-----copolymers of alkyl polyalkylene glycol methacrylates and methacrylic acid-----“ per claim 13 constitutes indefinite subject matter as per 1) it not being readily ascertainable if the “copolymers of alkyl polyalkylene glycol methacrylates and methacrylic acid are intended as a graft base onto which the vinyl acetate and/or vinyl propionate is grafted” and 2) it is not readily ascertainable as to how many “water-soluble polymers, “graft polymers”, “polyethylene glycols”, “copolymers of alkyl polyalkylene glycol methacrylates, “hydrolyzed copolymers” “metal hydroxides” and “ammonium bases” are intended.

M) The recited “in the presence of at least one stabilizer, wherein the polymerization is carried out in the presence of at least one water-soluble polymer” per claim 13 constitutes indefinite subject matter as per it is not readily ascertainable if the “stabilizer” is the same as or in addition to the “water-soluble polymer”.

N) The recited “can be” per claim 15 constitutes indefinite subject matter as per it not being readily ascertainable as to if or how said objectionable terminology further limits the claims.

6. While it is understood that applicant is entitled to be his/her own lexicographer, there must be some semblance of claim language clarity. Applicant must clearly and distinctly set forth that which is regarded as the invention.

Double Patenting

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1-16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13, 16 & 17 of copending Application No. 11/914,242. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed invention of copending Application No. '242 drawn to an aqueous dispersion of water-soluble and/or water-swellable anionic polymers which are obtainable by free radical polymerization of ethylenically unsaturated, anionic monomers in an aqueous medium in the presence of at least one stabilizer, if the polymerization is carried out in the presence of at least one water-soluble polymer selected from the groups consisting of (a) graft polymers of vinyl acetate and/or vinyl propionate on (i) polyethylene glycols or (ii)

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polyethylene glycols or polypropylene glycols end-capped at one or both ends with alkyl, carboxyl or amino groups, polyalkylene glycols, polyalkylene glycols endcapped at one or both ends with alkyl, carboxyl or amino groups and (b) water-soluble copolymers selected from the group consisting of homo- and copolymers of anionic monomers, copolymers of anionic and cationic and, if appropriate, neutral monomers, the proportion of the anionic monomers incorporated in the form of polymerized units being greater than that of cationic monomers and copolymers of at least one anionic monomer and at least one monomer from the group consisting of the esters of anionic monomers with monohydric alcohols, styrene, N-vinylpyrrolidone, N-vinylcaprolactam, N-vinylimidazole, N-vinylformamide, acrylamide, methacrylamide, vinyl acetate and vinyl propionate as a stabilizer (claim 1), wherein the polyalkylene glycols having molar masses MN of from 100 to 100 000 and/or polyalkylene glycols endcapped at one or both ends with alkyl, carboxyl or amino groups and having molar masses MN of from 100 to 100 000 are used as water-soluble polymers of group (a), (claim 2), wherein the block copolymers of ethylene oxide and propylene oxide having a molar mass MN of from 500 to 20 000 g/mol and a content of ethylene oxide units of from 10 to 80 mol% are used as water-soluble polymers of group (a), (claim 3), wherein at least one homopolymer of an ethylenically unsaturated C₃- to C_s- carboxylic acid, vinylsulfonic acid, styrenesulfonic acid, acrylamidomethylpropanesulfonic acid, vinylphosphonic acid or of the salts thereof partly or completely neutralized with alkali metal and/or ammonium bases and/or at least one copolymer of these monomers are used as water-soluble polymers of group (b), (claim 4), wherein copolymers of (i) at least one ethylenically unsaturated C₃- to C_s-carboxylic acid, vinylsulfonic acid, styrenesulfonic acid, acrylamidomethylpropanesulfonic acid, vinylphosphonic acid and/or the alkali metal and/or ammonium salts thereof, (ii) at least one cationic

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monomer from the group consisting of partly or completely neutralized dialkylaminoalkyl (meth)acrylates, partly or completely quaternized dialkylaminoalkyl (meth)acrylates, dialkylaminoalkyl(meth)acrylamides in quaternized or neutralized form, dialkyldiallylammonium halides and quaternized N-vinylimidazole and, if appropriate, and (iii) at least one neutral monomer are used as water-soluble polymers of group (b), the proportion of the anionic monomers incorporated in the form of polymerized units being greater than that of the cationic monomers (claim 5), wherein copolymers of (i) at least one anionic monomer and (ii) at least one monomer from the group consisting of the esters of anionic monomers, with monohydric alcohols, styrene, N-vinylpyrrolidone, N-vinylcaprolactam, N-vinylimidazole, N-vinylformamide, acrylamide, methacrylamide, vinyl acetate and vinyl propionate are used as water-soluble polymers of group (b), (claim 6), wherein at least one monoethylenically unsaturated C₃- to C₈-carboxylic acid, vinylsulfonic acid, styrenesulfonic acid, acrylamidomethylpropanesulfonic acid, vinylphosphonic acid and/or the alkali metal or ammonium salts of these acids are used as anionic monomers (claim 7), wherein the polymerization of the anionic monomers is additionally carried out in the presence of at least one other monomer from the group consisting of acrylamide, methacrylamide, acrylates of monohydric alcohols having 1 to 20 carbon atoms, methacrylates of monohydric alcohols having 1 to 20 carbon atoms, vinyl acetate, vinyl propionate, dialkylaminoethyl (meth)acrylates, dialkylaminopropyl (meth)acrylates, dialkyldimethylammonium chloride, N-vinylformamide, vinylimidazole, quaternized vinylimidazole, partly or completely neutralized or quaternized dimethylaminoalkyl (meth)acrylates and partly or completely neutralized or quaternized dialkylaminoalkyl(meth) acrylamides (claim 8), wherein the polymerization of the anionic monomers is additionally carried out in the presence of at least one crosslinking

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agent (claim 9), wherein pentaerythrityl triallyl ether, N,N'-divinylethylenurea, methylenebisacrylamide, esters of dihydric alcohols having 2 to 8 carbon atoms and C3- to C5- carboxylic acids, ethoxylated trimethylolpropane triacrylate, ethoxylated trimethylolpropane trimethacrylate, pentaerythrityl triacrylate, pentaerythrityl tetraacrylate, triallylmethylammonium chloride, allyl ethers of sugars, which allyl ethers comprise at least two allyl groups, vinyl ethers having at least two vinyl groups or triallylamine and mixtures of these compounds are used as crosslinking agents (claim 10), which is obtainable by polymerization of acrylic acid in the absence of other monomers (claim 11), which is obtainable by polymerization of acrylic acid and/or methacrylic acid in the presence of pentaerythrityl triallyl ether, N,N'-divinylethylenurea, triallylamine, methylenebisacrylamide, esters of dihydric alcohols having 2 to 8 carbon atoms and ethylenically unsaturated C3- to C5- carboxylic acids, ethoxylated trimethylolpropane triacrylate, ethoxylated trimethylolpropane trimethacrylate, pentaerythrityl triacrylate, pentaerythrityl tetraacrylate and/or triallylmethylammonium chloride (claim 12), a process for the preparation of aqueous dispersions of water- soluble and/or water-swellaible anionic polymers by free radical polymerization of ethylenically unsaturated, anionic monomers in an aqueous medium in the presence of at least one stabilizer, the polymerization being carried out in the presence of at least one water- soluble polymer of the groups consisting of (a) graft polymers of vinyl acetate and/or vinyl propionate on (i) polyethylene glycols or (ii) polyethylene glycols or polypropylene glycols endcapped at one or both ends with alkyl, carboxyl or amino groups, polyalkylene glycols, polyalkylene glycols endcapped at one or both ends with alkyl, carboxyl or amino groups and (b) water-soluble copolymers from the group consisting of -homo- and copolymers of anionic monomers, copolymers of anionic and cationic and, if appropriate, neutral

monomers, the proportion of the anionic monomers incorporated in the form of polymerized units being greater than that of cationic monomers and copolymers of at least one anionic monomer and at least one monomer from the group consisting of the esters of anionic monomers with monohydric alcohols, styrene, N-vinylpyrrolidone, N- vinylcaprolactam, N- vinylimidazole, N-vinylformamide, acrylamide, methacrylamide, vinyl acetate and vinyl propionate as a stabilizer (claim 13), a method for preparing thickeners for aqueous systems comprising admixing the aqueous dispersion to other components of the system (claim 16), wherein the aqueous dispersions are used as thickeners for paper coating slips, pigment print pastes, print pastes for transfer printing, dispersion printing, printing with acid or metal complex dyes, reactive printing or vat printing, for tertiary mineral oil production, for consolidating nonwovens, for water-based paints, for dental compounds, for pharmaceutical products, agrochemicals and extinguishing agents and as coating material and as an additive in detergents and cleaning agents (claim 17) **overlaps in scope** with the instantly claimed invention which is drawn to an aqueous dispersion of water-soluble polymers of ethylenically unsaturated anionic monomers, obtainable by free radical polymerization of the monomers in an aqueous medium in the presence of at least one stabilizer, wherein the polymerization is carried out in the presence of at least one water-soluble polymer of (a) graft polymers of vinyl acetate and/or vinyl propionate on polyethylene glycols, polyethylene glycols blocked at one or both terminal groups with alkyl, carboxyl or amino groups and/or copolymers of alkyl polyalkylene glycol methacrylates and methacrylic acid and at least one water-soluble polymer selected from (b) hydrolyzed copolymers of vinyl alkyl ethers and maleic anhydride in the form of the free carboxyl groups and in the form of the salts at least partly neutralized with alkali metal hydroxides or ammonium bases, and/or of water-soluble starch from the

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group consisting of cationically modified potato starch, anionically modified potato starch, degraded potato starch and maltodextrin, as a stabilizer (claim 1), wherein polyalkylene glycols having molar masses M_n of from 100 to 100 000 and polyalkylene glycols blocked at one or both terminal groups with alkyl, carboxyl or amino groups and having molar masses M_n of from 100 to 100 000 are used as water-soluble polymers of group (a), (claim 2), wherein hydrolyzed copolymers of vinyl alkyl ethers and maleic anhydride in the form of the free carboxyl groups and in the maltodextrin are used as water-soluble polymers of group (b), (claim 3), wherein hydrolyzed copolymers of vinyl methyl ether and maleic anhydride in the form of the free carboxyl groups and in the form of the salts at least partly neutralized with sodium hydroxide solution, potassium hydroxide solution or ammonia are used as water-soluble polymers of group (b), (claim 4), wherein (a) graft polymers of vinyl acetate on polyethylene glycols having a molecular weight M_n of from 1000 to 100 000 and (b) hydrolyzed copolymers of vinyl methyl ether and maleic anhydride in the form of the free carboxyl groups and in the form of the salts at least partly neutralized with sodium hydroxide solution, potassium hydroxide solution or ammonia are used as water-soluble polymers (claim 5), wherein (a) copolymers of alkyl polyalkylene glycol methacrylates and methacrylic acid and (b) at least one hydrolyzed copolymer of vinyl methyl ether and maleic anhydride in the form of the free carboxyl groups and in the form of the salts at least partly neutralized with sodium hydroxide solution, potassium hydroxide solution or ammonia are used as water-soluble polymers, (claim 6), wherein monoethylenically unsaturated C₃- to C₈-carboxylic acids, vinylsulfonic acid, styrenesulfonic acid, acrylamidomethylpropanesulfonic acid, vinylphosphonic acid and/or the alkali metal or ammonium salts thereof are used as anionic monomers, (claim 7), wherein the polymerization of the anionic monomers is carried out in the presence of other

ethylenically unsaturated monomers (claim 8), wherein the polymerization of the anionic monomers is carried out in the presence of at least one monomer from the group consisting of acrylamide, methacrylamide, acrylic esters of monohydric alcohols of 1 to 4 carbon atoms, methacrylic esters of monohydric alcohols of 1 or 2 carbon atoms, vinyl acetate, vinyl propionate, dialkylaminoethyl (meth)acrylates, dialkylaminopropyl (meth)acrylates, diallyldimethylammonium chloride, vinylimidazole and quaternized vinylimidazole (claim 9), wherein, in the free radical polymerization, acrylic acid is used in the absence of other monomers (claim 10), wherein the polymerization is additionally carried out in the presence of at least one crosslinking agent (claim 11), wherein triallylamine, pentaerythrityl triallyl ether, methylenebisacrylamide, N,N'-divinylethyleneurea, dihydric alcohols of 2 to 4 carbon atoms which are completely esterified with acrylic acid or methacrylic acid, ethoxylated trimethylolpropane triacrylates, ethoxylated trimethylolpropane trimethacrylates, pentaerythrityl triacrylate, pentaerythrityl tetraacrylate and/or triallylmethylammonium chloride are used as the crosslinking agent (claim 12), a process for the preparation of aqueous dispersions of water-soluble polymers of ethylenically unsaturated anionic monomers by free radical polymerization of the monomers in an aqueous medium in the presence of at least one stabilizer, wherein the polymerization is carried out in the presence of at least one water-soluble polymer of (a) graft polymers of vinyl acetate and/or vinyl propionate on polyethylene glycols, polyethylene glycols blocked at one or both terminal groups with alkyl, carboxyl or amino groups, copolymers of alkyl polyalkylene glycol methacrylates and methacrylic acid, and at least one water-soluble polymer selected from (b) hydrolyzed copolymers of vinyl alkyl ethers and maleic anhydride in the form of the free carboxyl groups and in the form of the salts at least partly neutralized with alkali metal

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hydroxides or ammonium bases, and/or maltodextrin, as a stabilizer at a pH of from 1 to 13 (claim 13), a method for thickening aqueous systems, the method comprising: adding an aqueous dispersion according to the aqueous systems (claim 14), the method wherein the aqueous dispersion can be added to a thickening system in the total pH range (claim 15) and the method wherein the aqueous dispersion is used as an additive to paper coating slips, as thickeners for pigment print pastes and for water-based surface coatings, as thickeners for cosmetic formulations and for the surface treatment of leather (claim 16).

The claims of copending Application No. '242 differ basically from the instantly claimed invention in that the addition of the aqueous dispersion to aqueous thickening systems can be done in the total pH range is not readily envisaged. However, discovering the optimum or workable pH ranges involves only routine skill in the art.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

9. U.S. Patent 3,281,377 to Lederer et al is cited as of being illustrative of the general state of the art.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIE REDDICK whose telephone number is 2-5816. The examiner can normally be reached on 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID WU can be reached on 2-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MR/
03/26/09

/David Wu/
Supervisory Patent Examiner, Art Unit 1796